

## **MEMORANDUM**

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: May 18, 2004

SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated March 12, 2004. If you would like additional information, please let me know.

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**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

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## **Part I**

### **Investigations Completed**

#### **Cases Scheduled For Hearing:**

##### **Scheduled for Full Enforcement Hearing:**

###### **Washington State Farm Bureau--Case #04-309; Investigator: Kurt Young**

Date Received: October 28, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.180

Status: Investigation Complete

Summary: A complaint was received from Diane McDaniel with the Washington State Labor Council alleging that the Washington State Farm Bureau (WSFB), a lobbyist employer, made in-kind contributions to the Workers Against Job Killing Rules (WAJKR), a political committee supporting a statewide initiative, for employee work conducted on behalf of Initiative 841 that was not reported as required for a lobbyist employer. After receiving the complaint concerning the alleged failure to report in-kind contributions, WSFB notified PDC staff that it had failed to timely report a \$50,000 monetary contribution to WAJKR as required for a lobbyist employer. A hearing before the Full Commission has been scheduled for May 26, 2004. The \$50,000 contribution to the WAJKR is the subject of this enforcement proceeding.

Disposition: Pending

###### **Committee for a Responsible Majority (C-Farm) --Case #04-383; Investigator: Lori Anderson**

Date Received: December 1, 2003

Date Started: December 2, 2003

Section of Law: RCW 42.17.040, .080, .090 & .640

Status: Investigation Complete

Summary: A complaint was received from Kurt Fritts, with the Senate Democratic Campaign Committee, alleging that Citizens for a Responsible Majority (C-Farm); 1) failed to timely file an amended Committee Registration Statement (PDC Form C-1pc); 2) failed to timely report contribution and expenditure activities; and 3) did not receive the required \$10 from ten registered

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voters within the last 180 days in order to be eligible to make contributions to legislative candidates. An enforcement hearing before the Full Commission originally scheduled for March 24, 2004, has been continued until May 26, 2004.  
Disposition: Pending

**Rose, Foster--Case #04-419; Investigator: Kurt Young**

Date Received: January 16, 2004

Date Started: January 16, 2004

Section of Law: RCW 42.17.770

Status: Investigation Complete

Summary: A PDC staff generated complaint was filed by Vicki Rippie, PDC Executive Director, alleging that Foster Rose solicited from candidates for the office of Bellingham Mayor an appointment to the paid position of Deputy Administrator for the City of Bellingham in exchange for his endorsement of those candidates. A hearing before the Full Commission has been scheduled for May 26, 2004.

Disposition: Pending

**Scheduled for Brief Enforcement Hearing:**

**Sullivan, Cynthia -- Case #04-024; Investigator: Tony Perkins**

Date Received: August 22, 2003

Date Started: August 25, 2003

Section of Law: RCW 42.17.090

Status: Investigation Complete

Summary: A complaint was received from Stephen Finley alleging that Cynthia Sullivan, an incumbent King County Council member up for re-election in 2003, filed late and incomplete reports of contributions and expenditures regarding her 2003 re-election campaign. A brief enforcement hearing before the Commission Chair has been scheduled for May 26, 2004.

Disposition: Pending

**Burrage, Jeannette--Case #04-237; Investigator: Sally Parker**

Date Received: September 8, 2003

Date Started: September 22, 2003

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from Stan Scarvie alleging that Jeannette Burrage, a candidate for Des Moines City Council campaign, failed to timely file reports of contribution and expenditure activities. A brief enforcement hearing before the Commission Chair has been scheduled for May 26, 2004.

Disposition: Pending

**Sax, Jeff—Case #04-244; Investigator: Tony Perkins**

Date Received: September 16, 2003

Date Started: September 19, 2003

Section of Law: RCW 42.17.060, .080, .090 & .125

Status: Investigation Complete

Summary: A complaint was received from David Somers alleged that Jeff Sax, a candidate for Snohomish County Council in 2001, violated various sections of RCW 42.17. Mr. Somers alleged that a cash contribution (made with currency) was accepted by the Sax campaign in an amount that exceeds the allowable limit, and that the Sax campaign transferred money to Jeff Sax and his wife for expenses that were not directly related to his campaign. The complainant alleged that the Sax campaign failed to report two in-kind contributions and filed reports of contributions and expenditures late, in violation of RCW 42.17.080 and 090. Mr. Somers also alleged that the Sax campaign reported the receipt of contributions in the wrong “election cycle”, and that some of the contributions accepted by the Sax campaign exceeded contribution limits in violation of RCW 42.17.640. This portion of the complaint will not be investigated because it only applies to state office candidates. A brief enforcement hearing before the Commission Chair has been scheduled for May 26, 2004.

Disposition: Pending

**Long, Gary--Case #04-278; Investigator: Tony Perkins**

Date Received: October 7, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Summary: A complaint was received from J. Steven Thomas alleging that Gary Long, a candidate for fire commissioner in Snohomish County Fire District 4, exceeded the limits of mini reporting by accepting an in-kind contribution from the Snohomish Professional Firefighters Association in excess of the \$300 limit from a single contributor. A brief enforcement hearing before the Commission Chair has been scheduled for May 26, 2004.

Disposition: Pending

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**Towers, Steven--Case #04-279; Investigator: Tony Perkins**

Date Received: October 7, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Summary: A complaint was received from J. Steven Thomas alleging that Steven Towers, a candidate for fire commissioner in Snohomish County Fire District 4, failed to maintain records of campaign expenditures, including receipt of an in-kind contribution of a mailer paid for by the Snohomish Professional Firefighters Association, and that Mr. Towers failed to account for campaign signs in his records. A brief enforcement hearing before the Commission Chair has been scheduled for May 26, 2004.

Disposition: Pending

**Hession, Dennis--Case #04-281; Investigator: Tony Perkins**

Date Received: October 15, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.060, .080, .090 & .3691

Status: Investigation Complete

Summary: A complaint was received from Donna McKereghan alleging that Dennis Hession, a candidate for Spokane City Council President, failed to timely deposit contributions within five business days of receipt, failed to timely file C-3 and C-4 reports of contributions and expenditures, and failed to timely file reports of contribution and expenditure activities electronically. A brief enforcement hearing before the Commission Chair has been scheduled for May 26, 2004.

Disposition: Pending

## **Cases Closed**

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings. For the results of appeals, see “Compliance” and “Results of Enforcement” on the PDC’s home page at [www.pdc.wa.gov](http://www.pdc.wa.gov))

## **Full Enforcement Hearings:**



**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Washington State Nurses Association PAC--Case #04-420; Investigator: Lori Anderson**

Date Received: January 16, 2004

Date Started: January 16, 2004

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Summary: A PDC staff generated complaint was filed by Vicki Rippie, PDC Executive Director, alleging that the Washington State Nurses Association Political Committee (WSNA PAC) failed to timely report contribution and expenditure activities undertaken during the period 1999 through 2003.

**Disposition:** A hearing before the Full Commission was held on March 24, 2004. The Commission accepted a Stipulation of Facts, Violations and Penalty and found that the WSNAPAC committed multiple violations of RCW 42.17.080 and .090 by failing to timely file Monetary Contribution reports (PDC form C-3) and Summary Reports of Receipts and Expenditures (PDC form C-4). In addition, the WSNAPAC was found in violation of RCW 42.17.103 by failing to timely file a special report (PDC form C-6) within 24 hours of sponsoring political advertisement that qualified as an independent expenditure, was distributed within 21 day of the 2002 election, and cost \$1,000 or more. WSNA PAC activities that occurred between January 1, 1999 and December 31, 2003, included receiving \$58,006 in monetary contributions, \$41,781 in expenditures made and included \$12,165 in monetary contributions made to candidates and independent expenditures totaled. The WSNA PAC was assessed a \$5,000 civil penalty, of which \$2,500 was suspended on the condition that the WSNA PAC commits no violations of RCW 42.17 for a period of four years for the date of their order.

**Grays Harbor County Democratic Central Committee--Case #04-421; Investigator: Lori Anderson**

Date Received: January 16, 2004

Date Started: January 16, 2004

Section of Law: RCW 42.17.080 & .090

Status: Investigation Complete

Summary: A PDC staff generated complaint was filed by Vicki Rippie, PDC Executive Director, alleging that the Grays Harbor County Democratic Central Committee (GHCDCC) failed to timely report contribution and expenditure activities undertaken during the period 1999 through October 2003.

**Disposition:** A hearing before the Full Commission was held on March 24, 2004. The Commission accepted a Stipulation of Facts, Violations and Penalty and found that the GHCDCC committed multiple violations of RCW 42.17.080 and

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.090 by failing to timely file Monetary Contribution reports (PDC form C-3) for contributions received totaling \$60,881, and Summary Reports of Receipts and Expenditures (PDC form C-4) for expenditures totaling \$52,327. The expenditures included \$11,800 for contributions made to candidates, for activities that occurred between January 1, 1999 and October 27, 2003. The GHCDCC was assessed a civil penalty of \$5,000, of which \$2,500 was suspended on the condition that the GHCDCC commits no violations of RCW 42.17 for a period of four years from the date of their order.

**Brief Enforcement Hearings:** For the results of “Group Enforcement” brief enforcement hearings, other than from investigations, see “Compliance” and “Results of Enforcement” on the PDC’s home page at [www.pdc.wa.gov](http://www.pdc.wa.gov))

The following cases were dismissed with the concurrence of the chair during this period: (The full text of the dismissal letters issued can be viewed at [www.pdc.wa.gov](http://www.pdc.wa.gov). Click on “Compliance” and “Dismissal of Complaints.”)

**Fortunato, Phil, WA State Republican Party and Minnick, Chad--Case #03-154;  
Investigator: Lori Anderson**

Date Received: December 30, 2002

Date Started: January 10, 2003

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from Geoff Simpson, a candidate for State Representative in the 47<sup>th</sup> Legislative District in 2002, against Phil Fortunato, also a candidate for State Representative in the 47<sup>th</sup> Legislative District, the Washington State Republican Party (WSRP) and Chad Minnick, a political consultant, alleging that the Respondents sponsored political advertising that contained false statements of material fact made with actual malice against Geoff Simpson during the 2002 legislative campaign between Mr. Fortunato and Mr. Simpson.

**Disposition:** Dismissed with the concurrence of the chair. It was found that Chad Minnick, a graphic designer and printer with whom the WSRP contracted to produce political advertisements for Phil Fortunato. The Fortunato campaign also contracted with Mr. Minnick to produce political advertisements. Mr. Minnick, along with a consultant for House Republican Organizational Committee

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(hereafter HROC), designed the mailer that is the subject of your complaint. Mr. Minnick designed the website. Phil Fortunato provided input into both the mailer and the website. Mr. Minnick, the HROC consultant, and Peter Abbarno, WSRP Executive Director, all asserted that WSRP representatives repeatedly asked whether they had documentation to support the statements made in the mailer and that Mr. Minnick answered that he and Mr. Fortunato had documentation. Thus, the WSRP acted in good faith when it sponsored what it believed to be a factual mailer. Mr. Minnick and Mr. Fortunato did not sponsor the mailer or website. The PDC staff was unable to determine the validity of the assertions being made in the advertisement regarding the underlying issue, which is whether Phil Fortunato or his former business partner engaged in fraudulent business practices. The statements made in the ad that were alleged as false are the subject of a civil lawsuit between Phil Fortunato and his former business partner. Those statements have not been proven to be true or false, and at the time they were made in the ad, it was the belief of the sponsor of the ad that the statements were true. Therefore, PDC was unable to find evidence that the alleged false statements are false, and there is not clear and convincing evidence that the alleged false statements were false, nor is there evidence that, if the statements were to be proven to be false, the WSRP acted with actual malice when it sponsored the mailer and website.

**Marin, Richard--Case #03-489; Investigator: Sally Parker**

Date Received: June 19, 2003

Date Started: June 30, 2003

Section of Law: RCW 42.17.080, & RCW 42.17.090

Status: Investigation Complete

Summary: A complaint was received from Raymond Martin, alleging the Richard Marin, a candidate for Edmonds City Council, failed to timely file reports of contributions and expenditures and failed to report a contribution. On August 7, 2003, Mr. Martin complained that Mr. Marin failed to file an accurate and timely Personal Financial Affairs Statement. On September 5, 2003, Mr. Martin complained that Mr. Marin failed to timely report an additional contribution.

**Disposition:** Dismissed with the concurrence of the chair. It was found that Richard Marin was a candidate for Edmonds City Council in the 2003 election, and he filed ten C-4 reports covering the period December 1, 2001 through November 30, 2003 disclosing \$6,655 in contributions to his campaign and \$5,609 in expenditures. Three of the ten C-4 reports (\$1,463 or 22% in contributions and zero expenditures) were filed between 308 and 551 days late in July 2003, but well before the election. The source of all contributions prior to August 5, 2003, was Mr. Marin's personal funds. Although the C-4 reports were

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filed late, all contributions were reported on timely filed C-3 reports except one. Mr. Marin did accept a \$75 contribution from the Dog and Cat Committee and reported the contribution 125 days late. Since the amount of the contribution was small and an isolated instance, Mr. Marin was cautioned to deposit future contributions within five business days of receipt and no further enforcement action will be taken. Mr. Marin filed 16 C-3 reports disclosing the receipt of \$6,655 in contributions to his campaign. One C-3 report, disclosing contributions of \$825 (12%), was reported four days late on August 29, 2003, but prior to the election. All other contributions were reported timely. Mr. Marin reported \$5,609 in expenditures with \$154 (3%) reported 35 days late in July 2003. A C-3 report was filed with the PDC disclosing a \$300 contribution from Rob and Karen Michel, received and deposited on that date. We did not find evidence of additional contributions from Mr. or Mrs. Michel.

Although Mr. Marin failed to report his income from his position as an Edmonds City Council member, Mr. Marin’s Form F-1 disclosed his position as a city council member. The range of pay for that position is available to the public by contacting the City of Edmonds. Thus, the public was not denied this information. Mr. Marin was reminded to include his City Council income on his F-1. It was found that Mr. Marin disclosed his mutual fund stocks on his F-1 reports filed with the PDC on August 2, 1999 and April 3, 2003. Mr. Marin acknowledged that he inadvertently failed to list the mutual fund in the intervening years, citing that it is a small IRA account to which he can no longer contribute.

Even though not all of Mr. Marin’s contribution and expenditure reports were filed timely, the alleged violations cited in the complaint were mitigated by the fact that the majority of Mr. Marin’s contributions and expenditures were reported timely. Mr. Marin was cautioned to file complete, timely reports of his campaign activities and personal financial affairs in the future.

**Citizens for Accountable Government--Case #04-020; Investigator: Suemary Trobaugh**

Date Received: July 9, 2003

Date Started: July 21, 2003

Section of Law: RCW 42.17.040, RCW 42.17.080 & RCW 42.17.090

Status: Investigation Complete

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was filed by Robert Smith alleging that Citizens for Accountable Government failed to register and report as a political committee for activities undertaken during a Spring of 2001 ballot proposition.

**Disposition:** Dismissed with the concurrence of the chair. It was found that although it appears that reporting was required for a flier published and distributed under the name Citizens for Accountable Government in April of 2001, not enough evidence was provided regarding any of the committee members, or the correct name of the printer who printed the flier. While a post mailbox was referenced in the flier, there is no evidence that the legal box holder, who could not be located, was involved in any campaign activity. The PDC does not condone what appears to be a failure to properly register and report campaign activities of Citizens for Accountable Government during the April 2001 election. However, staff was unable to determine the identity of the individuals making up the group, and there was no evidence that Paula Cook, an individual named in the complaint, was responsible for the group’s activities. Thus, no enforcement action was pursued.

**Sullivan, Cynthia (Surplus Funds)-- Case #04-023; Investigator: Tony Perkins**

Date Received: August 22, 2003

Date Started: August 25, 2003

Section of Law: RCW 42.17.090

Status: Investigation Complete

Summary: A complaint was received from Stephen Finley alleging that Cynthia Sullivan, an incumbent King County Council member up for re-election in 2003, failed to timely file reports of activities undertaken with her surplus funds account, and that expenditures from her surplus funds account were not permissible.

**Disposition:** Dismissed with the concurrence of the chair. It was found that RCW 42.17.095 requires the disposition of funds deposited in a Surplus Funds account to be reported in accordance with RCW 42.17.090. RCW 42.17.090 dictates the contents of required reports, but does not address the issue of timeliness. PDC staff advises candidates and officials maintaining Surplus Funds accounts to report according to the regular schedule of contribution and expenditure reports. The expenditure to E Research Services was for services relating to the 2001 – 2002 King County Council District redistricting process, including analyses of redistricting proposals presented by both the Republican and Democratic caucuses on the council. This expenditure appears to satisfy the definition contained in WAC 390-24-032 of a nonreimbursed public office related expense. The expenditure to the King County Democrats was mistakenly

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described in Ms. Sullivan’s reports as “Research.” This expenditure was a monetary contribution to a political party, permissible under RCW 42.17.095(3). In reimbursing herself \$150 for a post office box rental, Cynthia Sullivan made a permissible campaign expenditure. The expenditure should have been made by transferring funds to an active campaign account, and then making the expenditure from that account. However, the \$150 campaign expenditure did not affect the eligibility of the funds remaining in Ms. Sullivan’s Surplus Funds account to be used for purposes contained in RCW 42.17.095, including transfers to political parties and caucus political committees.

It was also found that a \$1,000 contribution to The Student Council was made using surplus funds on October 11, 2001, was a contribution to a political committee, and therefore not permissible under RCW 42.17.095(8). Ms. Sullivan was not aware that the contribution was to a political committee, and she did not recall authorizing the contribution. While the Public Disclosure Commission does not condone the improper use of surplus funds, this one expenditure represented an isolated instance for expenditures made from the surplus funds account, in which it was not carefully controlled. Ms. Sullivan was cautioned to ensure that all future expenditures made from her Surplus Funds account are authorized by her or her treasurer, and that all such surplus funds expenditures comply with RCW 42.17.095.

**Decker, Patrick --Case #04-272; Investigator: Tony Perkins**

Date Received: September 29, 2003

Date Started: October 1, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Investigation Complete

Summary: A complaint was received from Robert Crowe alleging that Patrick Decker, a candidate for Lynnwood City Council, failed to timely register as a candidate for public office, and that he failed to timely file reports of contribution and expenditure activities.

**Disposition:** Dismissed with the concurrence of the chair. It was found that Mr. Decker made a \$20 payment using personal funds to register a Web domain, that should have been reported as an in-kind contribution, and triggered the filing of a C-1 Candidate Registration within two weeks of the date of the expenditure. No evidence was found that the late registration was intentional, or that the Decker campaign realized any material advantage from Mr. Decker’s late registration as a candidate, and that there was no change in the campaign address. Due to a misunderstanding of the reporting instructions, the Decker campaign reported

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several in-kind loans as obligations on Schedule B to the C-4 form. While technically incorrect, this method of reporting effected disclosure, providing the public with the identities of the contributors. It was found that the lateness certain reports was due to Mr. Decker’s confusion regarding the Mini and Full Reporting options, and was corrected by Mr. Decker prior to the filing of the complaint. Mr. Decker’s name only appeared on the general election ballot, and following September 8, 2003, when Mr. Decker brought his contribution and expenditure reports up to date, virtually all of the campaign’s reports were filed on or before the due dates. Mr. Decker was cautioned to carefully follow the schedule of contribution and expenditure reporting in future campaigns, and to ensure that all in-kind and monetary loans, contributions and expenditures are correctly detailed on the appropriate schedules.

**Sultan Citizens Coalition--Case #04-283; Investigator: Lori Anderson**

Date Received: October 15, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Investigation Complete

Summary: A complaint was received from Jeff Everett alleging that Sultan Citizens Coalition engaged in activities to support and oppose local candidates, but failed to register and report as a political committee.

**Disposition:** Dismissed with the concurrence of the chair. It was found that Derek Boyd produced and distributed approximately five flyers supporting a number of candidates seeking election to the Sultan City Council in November 2001. One flyer was mailed to the residents of a local housing development, and the remaining flyers were distributed door-to-door by Mr. Boyd and his family. Mr. Boyd paid the total costs of printing and distributing the flyers, which included the cost of paper, printing, and postage, and while he did not have a record of his costs, he believed that he spent approximately \$200. The flyers supported at least five different candidates. The Sultan Citizens Coalition was not a political committee, since Mr. Boyd, acting as an individual, produced and distributed the flyers that were credited to what Mr. Boyd called the “Sultan Citizens Coalition.” In 2002, the Public Disclosure Commission clarified that the independent expenditure report must be filed within five days of an individual spending \$100 or more on any one candidate or ballot measure. Since Mr. Boyd’s flyers supported at least five different candidates and he believes he spent no more than \$200, and you have not provided any evidence to the contrary, PDC staff does not believe that Mr. Boyd has a reporting requirement. However, since the activity complained of occurred before the PDC’s 2002 interpretation, PDC

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staff asked Mr. Boyd to file an independent expenditure report and he did so on January 21, 2004.

**Rodgers, Pat--Case #04-284; Investigator: Suemary Trobaugh**

Date Received: October 16, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.510

Status: Investigation Complete

Summary: A complaint was received from William Biery alleging that Pat Rodgers, a candidate for Jefferson County Commissioner, sponsored political advertising that failed to contain a complete sponsor identification including the address.

**Disposition:** Dismissed with the concurrence of the chair. It was found that the Port Townsend and Jefferson County Leader contained a political advertisement from the Committee to Elect Pat Rodgers, that contained the sponsor identification, “Committee to Elect Pat Rodgers (R), 98325-0062,” but did not contain the words “paid for by” or “sponsored by”, or complete mailing address. PDC staff informed Mr. Rodgers that a warning letter concerning his political advertising referenced in the formal complaint was forthcoming. After receiving the complaint, Mr. Rodgers failed to update a postcard that had previously been printed to include the words “paid for” or “sponsored by”, along with a complete mailing address. The postcard contained: “Committee to Elect Pat Rodgers, (R), 98325-0062,” and was sent to 5,384 households in Jefferson County. Mr. Rodgers provided a copy of a newspaper article in the Port Townsend and Jefferson County Leader, from March of 2002, as proof that he had previously consulted with PDC staff concerning content and location of sponsor identification. The article described a birthday card that Mr. Rodgers sent out in early 2002, for which PDC staff reportedly recommended to include sponsor identification on the first page of advertisements, and to increase the font size to 10-point type. The article described that Mr. Rodgers provided the committee name, the Committee to Elect Pat Rodgers, “*in addition to the campaign headquarters’ mailing address,*” for which the article did not describe what information was included in the mailing address. In accordance with Commission practice, on November 3, 2003, Mr. Rodgers was cautioned to include proper sponsor identification in future political advertising. On November 4, 2003, Mr. Rodgers updated his campaign web site and provided the proper sponsor identification of “Paid for by the Committee to Elect Pat Rodgers R, PO Box 62, Chimacum, WA 98325.” Mr. Rodgers stated that he did not distribute any advertisements after receiving the PDC warning letter on November 4, 2003. Mr.



**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Rodgers has been cautioned to adhere to the sponsor identification requirements in future election campaigns.

**Highline Citizens for Good Government & Al Furney--Case #04-285; Investigator: Sally Parker**

Date Received: October 16, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Investigation Complete

Summary: A complaint was received from Jeanne Pfeifer alleging that Highline Citizens for Good Government and Al Furney engaged in activities to support and oppose local candidates, but failed to register and report as a political committee.

**Disposition:** Dismissed with the concurrence of the chair. It was found that Allan Furney formed Highline Citizens for Good Government (HCGG) on October 9, 2003, and he sought guidance that day from PDC staff and made the committee's first expenditures. A Political Committee Registration, PDC form C1-pc, was filed by HCGG on October 21, 2003, within two weeks of forming the political committee. On October 21, 2003, Mr. Furney filed Campaign Summary Receipts & Expenditures, PDC form C4, disclosing all contributions received and expenditures made to date. On October 21, 2003, Mr. Furney filed PDC form C-3 timely disclosing receipt of a \$470 loan from Mr. Furney. On October 24, 2003, Mr. Furney timely filed PDC forms C-3 and C-4, timely disclosing all additional contributions received and expenditures made through that date. The Highline Citizens For Good Government and Al Furney timely registered and reported the group's contribution and expenditure activities.

**Citizens for Better Burien/Better Burien/Ronald L. Seale--Case #04-289; Investigator: Lori Anderson**

Date Received: October 20, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.040, .080 & .090

Status: Investigation Complete

Summary: A complaint was received from Stephen Lamphear alleging that Citizens for Better Burien, a local political committee, failed to register and report its activities to support or oppose local candidates. The complaint also alleged that Better Burien, a separate committee, has failed to file a complete Committee Registration Statement (PDC Form C-1pc) and has not listed a time and place to review campaign records during the open records inspection period.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Disposition:** Dismissed with the concurrence of the chair. It was found that “Citizens for Better Burien” does not exist and that the political committee “Better Burien” sponsored the political advertisement referenced in the complaint. The treasurer of Better Burien is Ronald L. Seale, and his name appeared on the political advertisement as “R. S. Seale.” In accordance with Public Disclosure Commission practice, a warning letter was sent to Mr. Seale concerning the lack of proper sponsor identification on the political advertisement of Better Burien. We also found the initial C-1pc filed by Better Burien listed Mr. Seale’s business address for the committee, and indicated that the committee would not support or oppose candidates. The initial registration failed to include individual officers’ addresses and an address where the public inspection of its campaign books and records could occur. Better Burien amended its registration on October 24, 2003 to include addresses for its officers, a location for the inspection of its campaign records, and also indicated that the committee would support candidates Rose Clark, Jack Block, and Lucy Krakowiak. Mr. Seale stated that the committee’s sole activity was to sponsor the flyer referenced in the complaint. Since Better Burien amended its registration more than a week before the election and engaged in limited activity before the election, no further enforcement action was warranted, and Mr. Seale was cautioned to file accurate reports in future election campaigns.

**Citizens Campaign Committee --Case #04-291; Investigator: Tony Perkins**

Date Received: October 24, 2003

Date Started: October 24, 2003

Section of Law: RCW 42.17.040, .080, .090 & .105

Status: Investigation Complete

Summary: A complaint was received from Diana Phillips alleging that Citizen’s Campaign Committee, a recently formed political committee: 1) failed to register within three business days of its organization; 2) failed to timely file C-3 and C-4 reports disclosing contribution and expenditure activities; 3) accepted a contribution of more than \$5,000 within 21 days of the general election when it accepted \$10,000 from Patrick Echelbarger.

**Disposition:** Dismissed with the concurrence of the chair. It was found that the Citizens Campaign Committee (CCC) timely filed a C-1pc on October 6, 2003, more than three weeks prior to the 2003 general election. No C-4 report was due to be filed on October 10, 2003, since the CCC was not registered, did not receive contributions or make expenditures during this period, and was thus not required to file this monthly C-4 report. The 21-day pre-general C-4 report was due on October 14, 2003, covering the period of September 9, 2003, through October 7,

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2003. Since CCC was organized for two days of this period, they had no contribution or expenditure activity to report during the two days of this reporting period. CCC deposited \$16,000 on October 10, 2003 and made repeated unsuccessful attempts to electronically file a C-3 report for this deposit between October 10 and October 14, the date the committee filed its C-1pc registration statement. The Committee was unable to electronically file any reports (in compliance with its electronic filing requirement) until October 15<sup>th</sup>, the date its registration, signature authorization, and electronic filing passwords had been received and processed by PDC staff. The C-3 for \$16,000 was filed five days later on October 20, 2003. While this C-3 was filed five days late, the lateness is mitigated by the fact that the Committee attempted to file the report as soon as the deposit was made, and because the report was filed 14 days before the 2003 general election. A \$10,000 contribution to CCC from Patrick Echelbarger was incorrectly reported as having been received on October 20, 2003, within 21 days of the 2003 general election. CCC corrected its reports to show this contribution was actually received on October 13, 2003, outside of the 21-day period, and part of a \$25,000 deposit made on October 14<sup>th</sup>. Bank statements provided by the Committee confirm that a deposit of \$25,000 was made on this date. Although the Committee maintained that the \$10,000 contribution was received outside the 21-day period, to mitigate the appearance of a violation, CCC refunded \$5,000 of Mr. Echelbarger's contribution on October 23, 2003.

**Clemmons, David --Case #04-292; Investigator: Sally Parker**

Date Received: October 27, 2003

Date Started: October 27, 2003

Section of Law: RCW 42.17.080, & .090

Status: Investigation Complete

Summary: A complaint was received from Stan Scarvie alleging that David Clemmons, a candidate for Des Moines City Council, failed to file any required C-3 and C-4 reports for a candidate presumed to be under the full reporting option.

**Disposition:** Dismissed with the concurrence of the chair. It was found that David Clemmons was a candidate for Des Moines City Council in the 2003 primary election, and he failed to file a Candidate Registration, PDC form C-1. A brief enforcement hearing was held on September 10, 2003, PDC Case #04-057, in which Mr. Clemmons was found in violation of RCW 42.17.050 for failing to timely file PDC form C-1 within two weeks of becoming a candidate, and assessed a \$150 penalty. Mr. Clemmons made an expenditure of \$653 for signs promoting his candidacy. We did not find evidence of other expenditures

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made by Mr. Clemmons for his campaign. Mr. Clemmons lost in the primary election and it appears that he likely qualified for the mini reporting option and was not required to file detailed reports of contributions and expenditures.

**Young, Julie --Case #04-296 Investigator: Tony Perkins**

Date Received: October 28, 2003

Date Started: October 28, 2003

Section of Law: RCW 42.17.090

Status: Investigation Complete

Summary: A complaint was received from Dan Foster alleging that Julie Young, a candidate for Vancouver City Council failed to make her campaign books and records available on the 8<sup>th</sup> day before the November 4, 2003 general election as required.

**Disposition:** Dismissed with the concurrence of the chair. It was found that Ms. Young misunderstood the manner in which the “eighth day” was construed, believing it to be November 3, 2003, the final day of the eight-day period before the election, rather than October 27, 2003, eight days *prior* to the election. Ms. Young stated that she was prepared to have her campaign books open for inspection on November 3, 2003. She stated that upon learning of her mistake, she contacted Mr. Foster on October 28, 2003, the day after his initial visit, and arranged for him to inspect her campaign books on October 31, 2003, prior to the election being held. The Public Disclosure Commission takes seriously the requirement of candidates to make campaign records open for public inspection. However, in this case it appears that Ms. Young’s failure to make her campaign records available on October 27, 2003 resulted from an honest misunderstanding, rather than an attempt to circumvent her requirements under the law. Her desire to comply with the law was evidenced by the quick action she took to make her campaign books available for inspection at the earliest possible opportunity. Thus, no further enforcement action is warranted in this instance.

**Workers Against Job Killing Rules--Case #04-299; Investigator: Kurt Young**

Date Received: October 28, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.080, .090 & .105

Status: Investigation Complete

Summary: A complaint was received from Diane McDaniel with the Washington State Labor Council alleging that 1) Workers Against Job Killing Rules (WAJKR); 2) Building Industry Association of Washington (BIAW); 3) Washington Affordable Housing Council; 4) Pierce County Affordable Housing

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Council; 5) Master Builders Association of King and Snohomish County; 6) Affordable Housing Council; 7) Association of Washington Business; 8) Independent Business Association; 9) National Federation of Independent Business; 10) Washington Food Industry; and 11) Washington State Farm Bureau violated RCW 42.17. The complaints against the entities other than WAJCR and BIAW are listed separately below. The complaint alleges that WAJCR received contributions in excess of \$5,000, and that the BIAW made contributions in excess of \$5,000 within 21 days of the 2003 general election in violation of RCW 42.17.105. It is alleged that in some instances Last Minute Contribution reports were not filed, in violation of RCW 42.17.105 by the WAJCR and the BIAW. It is further alleged that in-kind contributions were not properly reported by WAJCR as a political committee (RCW 42.17.080 and .090) or BIAW as a lobbyist employer (RCW 42.17.180). The complaint also alleges that WAJCR failed to make all of its records available for inspection during the eight days before the general election (RCW 42.17.080(5)).

**Disposition:** Dismissed with the concurrence of the chair. It was found that Elliot Swaney, Political Director and a registered lobbyist for BIAW, submitted a declaration stating that BIAW did not pledge to make in-kind contributions of staff time in support of I-841 during the 21-day period preceding the general election. Mr. Swaney stated that BIAW had no idea of the actual amount that would be contributed during the 21-day period, but said they did not anticipate that all contributions, including staff time, would exceed \$5,000. WAJCR reported receiving three separate in-kind contributions totaling \$9,560 from BIAW for staff time, wages and miscellaneous expenses in September, October and November 2003. WAJCR reported receiving \$4,760, \$500, and \$4,300 on September 30, October 26, and November 30, 2003, respectively. A \$5,000 contribution was received by WAJCR from the Master Builders Association of King and Snohomish County (a local affiliate of the BIAW) on October 21, 2003, deposited and reported on October 27, 2003, and then promptly refunded within five business days of receipt by WAJCR on October 28, 2003. The refunded contribution was not considered a contribution in accordance with RCW 42.17.020(14). The Home Builders Association of Kitsap County (HBAKC), also a local affiliate of BIAW, is the sole owner of an electronic billboard located on its property that contained a “Yes on 841” message during the 2003 election. The billboard is used exclusively by the HBAKC, is used to post messages about issues relevant to its members, and no rent is normally charged for its use. The message in support of Initiative 841 was not a contribution to WAJCR in accordance with RCW 42.17.020(14). Therefore, no entity with whom BIAW

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shared a limit was found to have made a contribution to the WAJKR during the 21-day period preceding the 2003 general election.

WAJKR was not made aware of and did not report in-kind contributions of \$829 from AWB for Amber Balch’s time, \$695 from WFI for Doug Henken’s and Amy Brackenbury’s time, or \$470 from NFIB for Carolyn Logue’s time. Those organizations are now aware that employee staff time spent in support of ballot propositions is reportable and that the benefiting recipient is to be timely notified of the value of the contribution. While the combined non-reported in-kind contributions from these three organizations totaled \$1,994, the in-kind contributions represented a small fraction of the \$1,519,933 in total contributions reported by WAJKR, so no enforcement action was taken in this instance. WAJKR stated that their “books of account” and reports filed with the PDC disclosed only eight contributions in excess of \$5,000, with none received during the 21-day period preceding the general election that began on October 14, 2003. WAJKR went on to state that you did not provide any evidence to suggest that monies in excess of \$5,000 were received after Oct. 13, 2003. WAJKR stated that each check was hand delivered on October 13, 2003, or received by mail on October 11, 2003. WAJKR provided declarations from three individuals stating that the contributions were received in hand on or before October 13, 2003.

**Building Industry Association of Washington—Case #04-300; Investigator: Kurt Young**

Date Received: October 28, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.020, .105 & .170

Status: Investigation Complete

Summary: A complaint was received from Diane McDaniel with the Washington State Labor Council alleging that that Building Industry Association of Washington (BIAW) violated RCW 42.17 by making in-kind contributions that exceeded \$5,000 to Workers Against Job Killing Rules (WAJKR), a political committee supporting Initiative 841, during the 21-day period prior to the general election. It was also alleged that BIAW violated RCW 42.17 by making in-kind contributions to WAJKR that when combined with contributions from affiliated local builder associations exceeded \$5,000 during the 21-day period prior to the general election. Finally, you alleged that BIAW failed to report all of the in-kind contributions it made in the form of staff time to WAJKR.

**Disposition:** Dismissed with the concurrence of the chair. It was found that Elliot Swaney, Political Director and a registered lobbyist for BIAW, submitted a declaration along with the BIAW response stating that BIAW did not pledge to

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

make in-kind contributions of staff time in support of I-841 during the 21-day period preceding the general election. Mr. Swaney timely filed Monthly Lobbyist Expense Reports (PDC Form L-2) listing BIAW as his employer, and disclosing \$816,380 for monetary and in-kind contributions from BIAW to WAJKR covering the period March-November, 2003, all in support of I-841. Another BIAW lobbyist, Trent Matson disclosed an additional \$2,000 in contributions made to WAJKR. WAJKR reported receiving three separate in-kind contributions totaling \$9,560 from BIAW for staff time, wages and miscellaneous expenses in September, October and November 2003.

Mr. Swaney stated that the majority of BIAW staff time spent in support of I-841 was spent educating BIAW members and on internal political communication with those members, and BIAW was the primary organization and contributor behind I-841, and its members' volunteer activities and contributions were a part of the success of I-841. A \$5,000 contribution was received, deposited and reported by WAJKR from the Master Builders Association of King and Snohomish County (a local affiliate of the BIAW) during the 21-day period, promptly refunded within five business days of receipt, and was not considered a contribution in accordance with RCW 42.17.020(14). The Home Builders Association of Kitsap County (HBAKC- also a local affiliate) is the sole owner of an electronic billboard on its property, that contained a “Yes on 841” message during 2003. The HBAKC stated the billboard is used exclusively by the HBAKC, that it is used to post messages relevant to its members and issues, and that no rent is charged for its use. Since no rent is normally charged for the use of the billboard located on the property of the HBAKC, its usage in support of Initiative 841 was not a contribution in accordance with RCW 42.17.020(14). BIAW did not maintain documentation to substantiate its in-kind contributions reported by WAJKR. However, there was no evidence provided that BIAW's in-kind contributions were not accurately reported, and our investigation did not reveal any evidence that the information reported was not accurate. BIAW will be cautioned to accurately document its in-kind contributions that support or oppose ballot propositions or candidates running for public office during future election campaigns.

**Association of Washington Business--Case #04-305; Investigator: Kurt Young**

Date Received: October 28, 2003  
Date Started: November 4, 2003  
Section of Law: RCW 42.17.180  
Status: Investigation Complete

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from Diane McDaniel with the Washington State Labor Council alleging that the Association of Washington Business (AWB), a lobbyist employer, made in-kind contributions to the Workers Against Job Killing Rules, a political committee supporting a statewide initiative, that were “significant in nature” for employee work conducted on behalf of Initiative 841 that was not reported as required for a lobbyist employer.

**Disposition:** Dismissed with the concurrence of the chair. It was found that the WAJKR committee website listed under the heading “About I-841” “Speaker Requests” and “Press Contacts,” included Amber Balch, Director of Government Affairs for AWB, her e-mail address, and her telephone number at AWB. Ms. Balch included on her Monthly Lobbyist Expense Report (PDC Form L-2) for October 2003, in-kind contributions from AWB to WAJKR totaling \$829 for her staff time and other related expenses for participating in newspaper editorial board meetings, forums and other media-related events that supported Initiative 841. AWB stated that Ms. Balch was representing its members, and was not specifically working on behalf of WAJKR. AWB also contended that simply listing the names of AWB and Ms. Balch on the WAJKR campaign website did not constitute an in-kind contribution to WAJKR for which reporting was required. AWB said it wanted to err on the side of disclosure and reported Ms. Balch’s activities. AWB indicated in its response that Don Brunell, AWB President, did not have a major campaign role with regard to the I-841, and that he only wrote a newspaper column for dissemination to several newspapers in the state urging the passage of I-841. No evidence was found that this activity was done at the request or suggestion of WAJKR, thus, there was not a contribution to WAJKR. Mr. Brunell filed L-2 reports for September and October 2003 disclosing AWB activities undertaken in support of I-841. During September 2003, AWB made an in-kind contribution to WAJKR for website development and maintenance totaling \$6,250. However, Mr. Brunell inadvertently reported \$625 for this contribution, mistakenly omitting a “zero” from the number on his L-2 report. Mr. Brunell also included a \$100 personal contribution to WAJKR on his September L-2 report.

**Washington Food Industry--Case #04-308; Investigator: Kurt Young**

Date Received: October 28, 2003

Date Started: November 4, 2003

Section of Law: RCW 42.17.180

Status: Investigation Complete

Summary: A complaint was received from Diane McDaniel with the Washington State Labor Council alleging that the Washington Food Industry (WFI), a lobbyist



**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

employer, made in-kind contributions to the Workers Against Job Killing Rules, a political committee supporting a statewide initiative, for employee work conducted on behalf of Initiative 841 that was not reported as required for a lobbyist employer.

**Disposition:** Dismissed with the concurrence of the chair. It was found that the WAJKR committee website listed under the heading “Press Contacts” five names including Doug Henken, President of the WFI, his email address and telephone number at WFI, and the complete WFI mailing address. For 2003, the WFI had three registered lobbyists including WFI President Doug Henken and WFI employee Amy Brackenbury. The initial Monthly Lobbyist Expense Reports (PDC Form L-2) filed by Mr. Henken and Ms. Brackenbury for October did not disclose monetary or in-kind contributions to WAJKR. The WFI initially indicated the WFI was educating voters on Initiative 841, and that they only provided voters information on how ergonomic rules would impact the food industry. WFI said they felt their educational role, including that of their employees, with regard to I-841, was not within the statutory definition of a political committee or lobbyist employer. WFI further stated that they were engaged in issue advocacy, that they did not believe was required to be reported to the PDC. The WFI stated they made a good-faith effort to comply with a PDC letter dated January 22, 2004, to provide an accounting of WFI employee staff time spent at editorial board appearances and speaker requests, and in responding to inquiries as a press contact in support of I-841. They indicated that both Mr. Henken and Ms. Brackenbury were no longer employed by WFI, with Doug Henken having terminated his lobbyist registration for the WFI on October 17, 2003, and Amy Brackenbury having terminated her lobbyist registration on November 15, 2003. On February 17, 2004, Doug Henken filed an amended L-2 report for October 2003, disclosing that a \$195 in-kind contribution had been made from WFI to WAJKR for the value of his time spent supporting Initiative 841. Amy Brackenbury also filed an amended L-2 report for October of 2003, disclosing that a \$500 in-kind contribution had been made from WFI to WAJKR.

The WFI is now aware that reporting is required for press contacts, editorial board appearances, and other activities that support or oppose a candidate or ballot proposition. Because WFI amended its reports after learning that its activities were reportable, and because the amount of late reported contributions was relatively small, no further enforcement is warranted in this instance. WFI was cautioned to fully report its activities, and those of its employees, that are a contribution to a candidate or ballot proposition committee, in future election campaigns.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Perry, Andrea --Case #04-311; Investigator: Suemary Trobaugh**

Date Received: November 12, 2003

Date Started: November 13, 2003

Section of Law: RCW 42.17.080, .090, .510 & .530

Status: Investigation Complete

Summary: A complaint was received from Tim Olsen alleging that Andrea Perry, a candidate for Bothell City Council; 1) sponsored political advertising that contained a false statement; 2) failed to include the fair market value of a website as an in-kind contribution; and 3) failed to include the proper sponsor identification on the website.

**Disposition:** Dismissed with the concurrence of the chair. It was found that in 2001, Andrea Norris Perry established the website [www.take-care.net](http://www.take-care.net) to publish information pertaining to her perspective on local land use policies. Ms. Perry stated that she alone created and maintained the website and she entered text and picture files into the preformatted web page. Ms. Perry stated that she has never been paid to create or maintain a website, although she has previously worked as a freelance graphic artist 17 years ago. Ms. Perry stated that she did not report an in-kind contribution to her campaign for costs associated with web hosting for the website because she was provided a year of free hosting by the company, and because PDC staff advised her that she did not need to report the value of web hosting. Ms. Perry's site was renewed at the hosts expense for the period of April 2, 2003 to April 2, 2004, due to technical problems associated with the site. Given that Ms. Perry did not pay for the web hosting, and that PDC staff advised her on October 31, 2003, to not report an in-kind expense because the hosting was provided for free during the period of political advertising due to earlier technical problems, there is no fair-market value to report for leasing the web domain.

Ms. Perry's website advocated support for her candidacy, and thus the web site contained political advertising requiring sponsor identification. Since Ms. Perry was the owner of the website, she failed to state who sponsored or paid for the site and failed to include a mailing address. In accordance with PDC practice, a warning letter was sent to Ms. Perry stating that if future political advertising fails to comply with the sponsor identification requirements, the campaign will be asked to stipulate to a violation or will be scheduled for a brief enforcement hearing. With regard to the allegation of false statements, the Tim Olsen campaign received contributions of \$1,450 from Bothell residents, \$750 from Bothell businesses, and approximately \$7,400 from residents and businesses not domiciled in Bothell. It appears that the bar graph prepared and included in the

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advertisement by Ms. Perry presented incorrect information in the political advertisement. However, there is no evidence that Ms. Perry acted with “actual malice” by failing to include as a Bothell contributor the contributions of Mr. and Mrs. Cox, or the two businesses located in Bothell, given that Mr. Johnson searched extensively the couple’s residential listing, and the intent of the flier was to contrast the source of contributions to “*residents of Bothell*.” While it would have been more in keeping with the intent and language of RCW 42.17.530(1)(a) for the campaign to identify contributions from non-Bothell residents as such, its failure to do so is at least in part mitigated by the fact that the public was able to review your C-3 reports at anytime through the PDC web site to identify the source of your contributions. Although it is unfortunate that there were errors made on the bar chart, and contributions were identified in a confusing manner, there is not clear and convincing evidence that any of the statements in the advertisement were made with actual malice.

**Wetcher, Brian --Case #04-313; Investigator: Sally Parker**

Date Received: November 20, 2003

Date Started: November 25, 2003

Section of Law: RCW 42.17.040, .080, .090 & WAC 390-16-105

Status: Investigation Complete

Summary: A complaint was received from Talbot Wegg alleging that Brian Wetcher, a candidate for the Port of Anacortes, received contributions in excess of the mini reporting option limits.

**Disposition:** Dismissed with the concurrence of the chair. It was found that Brian Wetcher was a candidate for Anacortes Port Commissioner, District 4, in the November 2003 general election, selecting the mini reporting option for his campaign. Mr. Wetcher accepted a \$400 contribution from the Washington Conservation Voters Action Fund and deposited it in the campaign account on September 11, 2003. The Wetcher campaign refunded \$100 of the \$400 contribution to the Washington Conservation Voters Action Fund on October 31, 2003. The \$100 excess contribution should have been refunded within five business days of receipt, and was not, resulting in acceptance of a contribution in excess of the \$300 mini reporting limits. However, the excess contribution was refunded before the election, and the alleged violation did not warrant enforcement action.

**Clayton, Geoffrey --Case #04-314; Investigator: Sally Parker**

Date Received: November 24, 2003

Date Started: November 25, 2003

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from Ronald Braun alleging that Geoffrey Clayton, a candidate for Woodinville Water Commissioner, sponsored political advertising in the form of yard signs that falsely implied he was an incumbent Water Commissioner.

**Disposition:** Dismissed with the concurrence of the chair. It was found that Mr. Clayton was a candidate for Woodinville Water District Commissioner in the 2003 general election, and not the incumbent. Mr. Clayton ordered yard signs for his campaign that stated, “*Geoff Clayton Woodinville Water Commissioner Pos. 4.*” Mr. Clayton stated that when he learned from PDC staff that his signs could be viewed as falsely implying that he was the incumbent, he corrected the signs by writing the word “for” on them with a marker such that the signs read, “*Geoff Clayton for Woodinville Water Commissioner Pos. 4.*” Mr. Clayton estimated that he inadvertently failed to alter approximately five to ten percent of the 400 signs posted. Mr. Clayton attempted to mitigate the error in his signs by altering them to clearly state that he was seeking the office of Woodinville Water Commissioner. Although some of the signs were inadvertently not corrected, the vast majority of signs were corrected. We found no evidence that Mr. Clayton acted with actual malice, and PDC staff does not believe that enforcement is warranted in this instance.

**Gregoire, Christine (2004 Campaign)--Case #04-400; Investigator: Suemary Trobaugh**

Date Received: January 12, 2004

Date Started: January 12, 2004

Section of Law: RCW 42.17.640, .670 & 730

Status: Investigation Complete

Summary: A complaint was received from Peter Abbarno, Executive Director of the Washington State Republican Party, alleging that the People for Chris Gregoire for Governor Campaign: 1) violated RCW 42.17.730 by assisting and paying EMILY’s List to act as an intermediary or agent for the solicitation and transmittal of contributions to the Gregoire campaign; 2) violated RCW 42.17.670 by failing to report contributions earmarked for the Gregoire campaign as contributions from EMILY’s List in addition to contributions from the individual donors; and 3) violated RCW 42.17.640 by accepting contributions from EMILY’s List in excess of the allowable contribution limits.

**Disposition:** Dismissed with the concurrence of the chair. It was found that the Gregoire Campaign contracted separately with a vendor to process contributions.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

No evidence was found that Emily’s List transmitted any contributions to the Gregoire Campaign, and the Gregoire Campaign paid Emily’s List for its portion of the solicitation costs. Contributions received by the Gregoire Campaign as a result of the Emily’s List solicitations were not earmarked. Contributions were made directly to the Gregoire Campaign, and Emily’s List did not receive or spend contributions on behalf of the Gregoire Campaign. Funds received by the Gregoire campaign as a result of the Emily’s List mailings did not exceed primary contribution limits. Emily’s List did not act as an intermediary or agent for contributions to the Gregoire Campaign. For further details, select “Compliance” on our homepage, then select “Dismissals of complaints” and then this case.

**EMILY’s List--Case #04-401; Investigator: Suemary Trobaugh**

Date Received: January 12, 2004

Date Started: January 12, 2004

Section of Law: RCW 42.17.640, .670 & 730

Status: Under Investigation

Summary: A complaint was received from Peter Abbarno, Executive Director of the Washington State Republican Party, alleging that EMILY’s List: 1) violated RCW 42.17.730 by acting as an intermediary or agent for the solicitation and transmittal of contributions to the Gregoire campaign; 2) violated RCW 42.17.135 by failing to report contributions it received at its Washington D.C. headquarters that were earmarked for the Gregoire campaign; and 3) violated RCW 42.17.640 by making contributions to the Gregoire campaign in excess of the allowable contribution limits.

**Disposition:** Dismissed with the concurrence of the chair. It was found that Emily’s List did not act as an intermediary or agent for contributions to the Gregoire Campaign. Contributions received by the Gregoire Campaign as a result of the Emily’s List solicitations were not earmarked, but instead were made directly to the Gregoire Campaign. In addition, Emily’s List did not receive or spend contributions on behalf of the Gregoire Campaign, and funds received by the Gregoire campaign as a result of the Emily’s List mailings did not exceed primary contribution limits. For further details, select “Compliance” on our homepage, then select “Dismissals of complaints” and then this case.

**Voters Want More Choices--Case #04-443; Investigator: Kurt Young**

Date Received: March 17, 2004

**Date Started:** March 17, 2004

Section of Law: RCW 42.17.040, .080 & .090

Status: Investigation Complete

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Summary:** A complaint was received from Steve Zemke, Kelly Fox, and David Goldstein alleging that Voters Want More Choices (VWMC), a political committee formed to support a statewide initiative, violated RCW 42.17.080 and .090 by failing to timely report detailed contributor information.

**Disposition:** Dismissed with the concurrence of the chair. It was found that in January of 2004, Tim Eyman contacted PDC staff and stated that the data-entry person hired to input contributor information for VWMC was ill, and the committee would not be able to report that information by the February 10, 2004 deadline. Mr. Eyman requested an extension for filing the January contributor information on Monetary Contributions Reports (PDC Form C-3), and staff informed Mr. Eyman that an extension or modification could not be granted. PDC staff suggested to Mr. Eyman that he disclose his circumstances in a memorandum to file, and any other information that he could provide at that time. On February 10, 2004, VWMC timely filed Summary, Full Report Receipts and Expenditures reports (PDC Form C-4) with an attached Schedule A disclosing bank deposit and expenditure information for the month of January. The January C-4 report for VWMC disclosed \$32,568 in contributions received, and expenditures made totaling \$12,380. VWMC provided no detailed information for contributions received in January. The names and addresses, aggregate totals given, or employer and occupation of contributors, if necessary, were not reported. However, VWMC did provide a deposit summary for January's activities that included the number of donors per deposit. On March 20, 2004, VWMC filed 10 C-3 reports totaling \$34,841, disclosing the contributor information received for contributions received in January. The details pertaining to the \$34,841 was reported 40 days late. It appears that contributions were originally attributed to the wrong month, so the amended C-4 for January included an additional \$2,274 in contributions. On March 21, 2004, VWMC filed 10 C-3 reports totaling \$46,482 disclosing the contributor information received for contributions received in February of 2004. The details pertaining to the \$46,482 were reported 11 days late. Contributions for February were also originally attributed to the wrong month, so the amended C-4 for February includes a reduction in contributions of \$2,281. Although we determined that the late reporting of contributor information did not warrant enforcement action, VWMC and Tim Eyman were cautioned to comply with all provisions of the disclosure law in future campaigns, including the timely disclosure of contributor information. This action is consistent with previous action taken by Commission staff and the chair in dealing with similar complaints.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Help Us Help Taxpayers--Case #04-444; Investigator: Kurt Young**

Date Received: March 17, 2004

**Date Started:** March 17, 2004

Section of Law: RCW 42.17.040, .080 & .090

Status: Investigation Complete

Summary: A complaint was received from Steve Zemke, Kelly Fox, and David Goldstein alleging that Help Us Help Taxpayers (HUHT), a political committee formed to pay compensation to Tim Eyman, Jack Fagan and Mike Fagan, violated RCW 42.17.080 and .090 by failing to timely report detailed contributor information.

**Disposition:** Dismissed with the concurrence of the chair. It was found that in January of 2004, Tim Eyman contacted PDC staff and stated that the data-entry person hired to input contributor information for HUHT was ill, and the committee would not be able to report that information by the February 10, 2004 deadline. Mr. Eyman requested an extension for filing the January contributor information on Monetary Contributions Reports (PDC Form C-3), and staff informed Mr. Eyman that an extension or modification could not be granted. PDC staff suggested to Mr. Eyman that he disclose his circumstances in a memorandum to file, and any other information that he could provide at that time. On February 10, 2004, HUHT timely filed Summary, Full Report Receipts and Expenditures reports (PDC Form C-4) with an attached Schedule A disclosing bank deposit and expenditure information for the month of January. The January C-4 report for HUHT disclosed \$5,820 in contributions received and expenditures made totaling \$28,771. HUHT provided no detailed information for contributions received in January. The names and addresses, aggregate totals given, or employer and occupation of contributors, if necessary, were not reported. However, HUHT did provide a deposit summary for January's activities that included the number of donors per deposit. On March 19, 2004, HUHT filed four C-3 reports totaling \$5,820 disclosing the contributor information received for contributions received in January. The details pertaining to the \$5,820 were reported 39 days late. On March 21, 2004, HUHT filed four C-3 reports totaling \$1,405 disclosing the contributor information received for contributions received in February. The details pertaining to the \$1,405 were reported 11 days late. Although we determined that the late reporting of contributor information did not warrant enforcement action, HUHT and Tim Eyman were cautioned to comply with all provisions of the disclosure law in future campaigns, including the timely disclosure of contributor information. This action is consistent with previous action taken by Commission staff and the chair in dealing with similar complaints.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

## **Cases Referred To Attorney General For Further Action**

### **Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#00-241; Investigator: Kurt Young**

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

**Disposition:** The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General's Office.

### **Washington Education Association—Case #01-002; Investigator: Lori Anderson**

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees' wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General's Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General's Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW



**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen’s action in superior court.

**Disposition:** The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General’s Office.

**Thurston County Superior Court Disposition:** The Attorney General’s Office filed suit in Thurston County, and the case went to trial in Thurston County Superior Court. The Thurston County Superior Court found the Respondent intentionally violated RCW 42.17.760, and assessed a total civil penalty of \$400,000. The Washington Education Association has appealed that decision.

**Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman—Case #02-281; Investigator: Kurt Young; (Also received 45-Day Letter of Complaint)**

Date Received: February 6, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.080, .090, .120, & .125

Status: Investigation Complete

Summary: A complaint was filed by PDC Executive Director Vicki Rippie against Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman alleging the following: 1) failure to properly report committee expenditures, including the purpose of those expenditures; 2) concealing the fact that committee funds were expended to pay Mr. Eyman for compensation for the work he performed on behalf of Permanent Offense; 3) use of committee funds to pay for Mr. Eyman’s personal expenses. In addition, a “45-day letter of complaint” was filed by Richard A. Smith and Knoll Lowney, attorneys with Smith & Lowney, PLLC, representing Permanently Offended, with the Office of the Attorney General and the County Prosecutor’s Offices in King, Snohomish and Thurston counties against Permanent Offense, Permanent Offense, Inc., Traffic Improvement Initiative, Tim Eyman, Karen Eyman, and Suzanne Karr alleging violations similar to those outlined in the PDC complaint.

**Disposition:** A report to the Commission was presented at its special April 9, Commission meeting. The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**National Education Association—Case #02-282; Investigator: Suemary Trobaugh;  
(45-Day Letter of Complaint)**

Date Received: January 31, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.040, .080, .090, .680 and .760

Status: Investigation Complete

Summary: On January 31, 2002, the Evergreen Freedom Foundation, Lowell Johnson, Carrie Riplinger, Susan Kobes and David Williams, through attorney Jeanne Brown filed a citizen’s action letter under RCW 42.17.400(4) with the Office of the Attorney General and the State of Washington’s County Prosecutors’ Offices. The complaint alleged violations by the NEA’s Ballot Measure/Legislative Crisis and Media Campaign Fund of 1) RCW 42.17.040 et. seq (failure to register as a political committee); 2) violations of RCW 42.17.680(3) (diverting a portion of an employee's wages or salaries for contributions to political committees without the written request of the employee); and 3) violations of RCW 42.17.760 (using agency shop fees paid by non members to influence an election without written authorization by the Individual). On February 6, 2002, the Office of the Attorney General officially notified the PDC that they were referring the matter to the PDC for investigation. PDC Staff completed a Preliminary Report of Investigation and prepared a memorandum to Commission members concerning Staff’s findings and recommendation.

**Disposition:** On April 9, 2002, the matter was on the Commission’s agenda as a report to the Commission. In light of the complaint the Evergreen Freedom Foundation filed against the NEA in Thurston County Superior Court on April 8, 2002 under provisions of RCW 42.17.400(4), the Commission accepted Staff’s recommendation that it take no action in this case. On August 23, 2002, Thurston County Superior Court Judge Paula Casey dismissed the lawsuit filed by EFF against NEA. Judge Casey’s dismissal was based on a decision by the WA State Court of Appeals in State ex rel. Evergreen Freedom Foundation v Washington Education Association, No. 25272-4-II, where the court stated that “Before the 10-day period<sup>1</sup> had passed after EFF’s second letter to the AG, the AG forwarded the allegations to the PDC for investigation...Because the AG acted before the end of the 10-day period, EFF could not bring a citizen’s action lawsuit under

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<sup>1</sup> RCW 42.17.400 states: “The citizen action may be brought only if the attorney general...ha(s) failed to commence an action hereunder within forty-five days and after such notice and such person has thereafter further notified the attorney general...that said person will commence a citizen’s action within ten days upon their failure to do so...”

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

RCW 42.17.400...” By a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680.

On October 2, 2002, at a special Commission meeting, by a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680. By a unanimous vote, the Commission found multiple apparent violations of RCW 42.17.760 by the NEA when it used agency shop fees to make contributions or expenditures to influence an election or to operate a political committee without authorization from the employees. The Commission found that given the insufficiency of its penalty authority, in lieu of holding an enforcement hearing, the Commission referred the above referenced apparent violations to the Washington State Attorney General's Office for appropriate action pursuant to RCW 42.17.360 and .395 and WAC 390-37-100.

**Concerned Citizens for Better Government (CCBG) and Joseph Coomer,  
Treasurer, CCBG--#03-080; Investigator: Kurt Young**

Date Received: November 6, 2002

Date Started: November 6, 2002

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was filed by Vicki Rippie, PDC Executive Director, alleging that the Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer of CCBG distributed political advertising related to more than one election cycle without reporting contribution and expenditures activities that were undertaken.

**Disposition:** This matter was presented as a report to the Commission on March 25, 2003. The Commission found multiple apparent violations of RCW 42.17.065, 42.17.080 and 42.17.090 by the Respondents for failing to timely report contribution and expenditure information for 2001 and 2002 activities supporting or opposing candidates and ballot propositions. Given the insufficiency of its penalty authority, the Commission referred the apparent violations to the Attorney General's Office for appropriate action.

**Hopkins, Hank/Environmental Materials Transport, LLC--Case #03-153;  
Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.105 & .120

Status: Investigation Complete

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: This case is related to PDC Case No. 02-296. Hank Hopkins as President of Environmental Materials Transport, LLC (EMTLLC) was added as a respondent by PDC staff alleging that Mr. Hopkins made contributions in excess of \$5,000 within 21 days of the 2001 general election by contributing \$20,000 to Don Wasson’s political committee to support Des Moines City Council candidates Petersen, Benjamin and Steenrod. It was further alleged that Mr. Hopkins and EMT LLC concealed the source and amount of an initial \$1,000 payment that was made to Don Wasson and his political committee to support the campaigns of Gary Petersen and Richard Benjamin. In addition, it is also alleged that Mr. Hopkins and EMT LLC concealed the source and amount of contributions that were made to Mr. Wasson’s political committee totaling \$20,000 that also supported the 2001 Council campaigns of Mr. Petersen, Mr. Benjamin, and Ms. Steenrod.

**Disposition:** An Enforcement hearing before the Full Commission was held on March 25, 2003. The Commission found multiple apparent violations of RCW 42.17.120 by the Respondents for concealing contributions used to benefit candidates in the 2001 Des Moines City Council election. Given the insufficiency of its penalty authority, the Commission referred the apparent violations to the Attorney General’s Office for appropriate action.

**Mooney, Pat --Case #04-310; Investigator: Sally Parker**

Date Received: November 12, 2003

Date Started: November 13, 2003

Section of Law: RCW 42.17.040, .080, .090 & WAC 390-16-105

Status: Investigation Complete

Summary: Two complaints were received, one from Michael Evans and one from Brian Wetcher, alleging that Pat Mooney, a candidate for the Port of Anacortes, received contributions and made expenditures in support of his candidacy in excess of the mini reporting option limits. In addition, a “45-day Citizen Action Letter” was filed by Mr. Wetcher with the Office of the Attorney General and the Skagit County Prosecutor’s Office against Pat Mooney alleging almost identical violations as those outlined in the PDC complaint.

**Disposition:** This matter was originally presented to the Commission at its February 24, 2004 Commission meeting as a report to the Commission. The Commission directed that an enforcement hearing be held, which was done at a special Commission meeting on March 10, 2004. The Commission found that there were multiple apparent violations by Pat Mooney of the PDC’s statutes and rules including RCW 42.17.040, RCW 42.17.080, RCW 42.17.090, WAC 390-

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

16-105, and WAC 390-16-125. The Commission noted the statutes and rules regarding mini reporting limits, and further noted that Mr. Mooney exceeded those limits, and that Mr. Mooney was aware that he should have advised his opponent of the fact he exceeded the mini reporting limits, but did not.

The Commission observed that the expenditures and contributions by Mr. Mooney exceeded the mini reporting limits, that those expenditures and contributions upset the even playing field in the campaign, and could have affected the outcome of the election. The Commission determined that a referral to the Attorney General's Office of this matter was appropriate because the remedies that the Commission could impose statutorily were insufficient in considering the number and quality of the apparent violations, and their possible effect on the election. In lieu of entering Findings of Fact, Conclusions of Law, and an Order to impose a penalty or other relief, the Commission referred this matter to the Washington State Attorney General's Office, and requests the Attorney General's Office explore all remedies available, including the possibility of a court voiding the election.

## **Part II**

### **Active Investigations**

#### **Investigations In Progress**

**Pearsall-Stipek, Cathy; McCarthy, Pat-- Case #02-294; Investigator: Sally Parker**

Date Received: April 3, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Dale Washam alleging that Cathy Pearsall-Stipek, Pierce County Auditor, used or authorized the use of facilities of the Pierce County Auditor's Office to assist her 1998 election campaign for Pierce County Auditor and the 2002 election campaign of Pat McCarthy for Pierce County Auditor. The portion of the complaint alleging that Pat McCarthy violated RCW 42.17.130 was dismissed July 22, 2002.

Disposition: Pending

**Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.**

**Benjamin, Richard; Peterson, Gary; Case #02-296; Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002 (Hearing held March 25, 2003 for portion of issues)

Section of Law: RCW 42.17.120, .080, .090, .240

Status: Under Investigation

Summary: A complaint was received from Dave Kaplan alleging that Gary Peterson failed to disclose information on his Personal Financial Affairs Statement (PDC Form F-1); that consulting services were provided by Don Wasson to two Des Moines City Council candidates that exceeded the mini reporting limits; that the Des Moines Marina Association made contributions to three candidates for Des Moines City Council that were not disclosed; that a political advertisement was produced and distributed in the City of Des Moines without sponsor identification; that additional political advertisements supporting or opposing candidates for Des Moines City Council failed to contain proper sponsor identification and were not timely reported. On May 1, 2002, a complaint addressing several of the same issues was received from Stanley M. Scarvie on behalf of Citizens for Des Moines. Mr. Scarvie's complaint has been combined with Case #02-296.

In addition, Don Wasson was added as a Respondent and the issues concerning Mr. Wasson, as well as the issues concerning other Respondents named in the original complaint, have been handled through an enforcement hearing held March 25, 2003. (See Results of Enforcement Hearings on PDC Web page under Compliance.) The remaining issues deal with allegations of concealment (RCW 42.17.120) by Richard Benjamin and Gary Peterson, reporting issues (RCW 42.17.080 and .090) by Gary Peterson, and financial affairs reporting issues (RCW 42.17.240) by Gary Peterson.

Disposition: Pending

**Moran, Karen --Case #04-315; Investigator: Sally Parker**

Date Received: November 10, 2003

Date Started: November 25, 2003

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Scott Hamilton alleging that Karen Moran, a candidate for Sammamish City Council, failed to report telemarketing phone calls that were made in support of her candidacy.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**More Cops Now & Ed Troyer, Treasurer --Case #04-423; Investigator: Sally Parker**

Date Received: January 16, 2004

Date Started: January 16, 2004

Section of Law: RCW 42.17.080, .090, .105 & .3691

Status: Under Investigation

Summary: A PDC staff generated complaint was filed by Vicki Rippie, PDC Executive Director, alleging that More Cops Now committee, a political committee formed to support a local ballot proposition in Pierce County: (1) failed to include on its committee registration form (PDC form C-1pc) an address or time for public inspection of its campaign books and records during the eight days before the election and failed to file its post election C-4 report of contribution and expenditure activities; (2) accepted a contribution in excess of \$5,000 within 21 days of the general election, and failed to file a last minute contribution report for such contribution; and (3) failed to file its contribution and expenditure reports electronically.

Disposition: Pending

**Yes on Initiative 18 Committee-- Case #04-438; Investigator: Kurt Young**

Date Received: February 13, 2004

Date Started: February 19, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Steve Williamson, Executive Secretary of the King County Labor Council, AFL-CIO alleging that the Yes on Initiative 18 Committee (Yes on I-18), a political committee supporting a local ballot proposition in King County, failed to file C-3 and C-4 reports of contribution and expenditure activities, and alleging that Yes on I-18 failed to disclose a \$20,000 payment to Tim Eyman in exchange for services, since it was a “gift”.

Disposition: Pending

**Thurston Citizens for a Better Community--Case #04-439 Investigator: Tony Perkins**

Date Received: February 25, 2004

Date Started: March 2, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from Jerome Parker alleging that the Thurston Citizens for a Better Community failed to timely file contribution and expenditure reports disclosing committee activities.  
Disposition: Pending

**Pierce County Officials-- Case #04-440; Investigator: Kurt Young**

Date Received: March 3, 2004  
Date Started: March 3, 2004  
Section of Law: RCW 42.17.130  
Status: Under Investigation  
Summary: Three separate complaints were received from David Franta, Donald Veal, and Dale Washam, alleging that officials of Pierce County used the public resources and facilities of Pierce County to promote Proposition 1, a 2003 general election ballot proposition.  
Disposition: Pending

**Hammond, Steve--Case #04-441; Investigator: Sally Parker**

Date Received: March 2, 2004  
Date Started: March 29, 2004  
Section of Law: RCW 42.17.530  
Status: Under Investigation  
Summary: A complaint were received from James Heavey alleging that Steve Hammond, an incumbent King County Council member up election in 2003, violated political advertising laws by sponsoring political advertising that contained false statements about his opponent Barbara Heavy.  
Disposition: Pending

**Zarelli, Joseph--Case #04-442; Investigator: Tony Perkins**

Date Received: March 2, 2004  
Date Started: March 29, 2004  
Section of Law: RCW 42.17.3691  
Status: Under Investigation  
Summary: A complaint were received from Kurt Fritts, Executive Director of the Senate Democratic Campaign Committee, alleging that Washington State Senator Joseph Zarelli, a candidate up for re-election in 2004 failed to electronically file timely, reports disclosing campaign contribution and expenditure information.  
Disposition: Pending



**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**TME Capital Group--Case #04-445; Investigator: Sally Parker**

Date Received: April 5, 2004

Date Started: April 5, 2004

Section of Law: RCW 42.17.040, .080, .090, .105, 120,780

Status: Under Investigation

Summary: A PDC staff generated complaint was filed by PDC Executive Director Vicki Rippie, after PDC staff noted, while assisting the Attorney General's Office following referral of Case No. 03-153 by the Commission to the Attorney General's office, that TME Capital Group, LLC (TME) and its investors (Elling Halvorson, Catherine Boshaw, Doug Edlund, John Taylor, Lon Halvorson, E. Kent Halvorson, Tim Teteak and David Chevalier) may have violated the following: 1) RCW 42.17.040 through 42.17.090 by failing to register and report as a political committee when TME and its investors raised and spent funds to support candidates; 2) RCW 42.17.105(8) by making contributions to another political committee exceeding \$5,000 with 21 days of the 2001 general election; 3) RCW 42.17.780 by reimbursing \$19,000 to Monarch Enterprises for contributions made to a political committee that supported candidates in the 2001 general election; and 4) RCW 42.17.120 by concealing the source of the contributions received and expenditures made to support Des Moines City Council candidates.

Disposition: Pending

**Washington Breathe Alliance--Case #04-446; Investigator: Tony Perkins**

Date Received: March 29, 2004

Date Started: April 8, 2004

Section of Law: RCW 42.17.200

Status: Under Investigation

Summary: A complaint were received from Ian Foraker, alleging that the Washington Breathe Alliance engaged in a grass roots lobbying campaign during the 2004 Legislative Session, and failed to timely file Grass Roots Lobbying Reports (PDC Form L-6) disclosing those activities as required by law.

Disposition: Pending

**Goings, Calvin--Case #04-447; Investigator: Kurt Young**

Date Received: April 2, 2004

Date Started: April 6, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint were received from Dale Washam a candidate for Pierce County Council, alleging that Pierce County Council member Calvin Goings, a candidate up for re-election to the Pierce County Council in 2004 used Pierce County resources and facilities to support his candidacy.

Disposition: Pending

**Washington State Grange--Case #04-450; Investigator: Suemary Trobaugh**

Date Received: April 21, 2004

Date Started: April 22, 2004

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Paul Berendt, Chair of the Washington State Democratic Central Committee (WSDCC), alleging that the Washington State Grange failed to report contribution and expenditure activities in support of a statewide ballot proposition.

Disposition: Pending

**Kirsch, Greg (Chehalis School District)--Case #04-451; Investigator: Suemary Trobaugh**

Date Originally Received: October 28, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from John Panesko alleging that officials of the Chehalis School District used district facilities to produce and distribute newsletters that featured and supported incumbent school board member Larry Gueck, a candidate up for re-election in 2003.

Disposition: Pending

**Hawe, William (Clallam County)--Case #04-452; Investigator: Kurt Young**

Date Originally Received: October 21, 2002 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Soren Poulsen alleging that William Hawe, an incumbent Clallam County Sheriff and a candidate for re-election in

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

2002, used the facilities of Clallam County to support his candidacy for re-election.

Disposition: Pending

**Pierce County Fire District 13 (Officials) --Case #04-453; Investigator: Sally Parker**

Date Originally Received: September 20, 2002 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from David J. Kovanen alleging that officials from Pierce County Fire District 13, used the fire district facilities to produce and distribute a letter addressed that supported a local ballot proposition, in response to information distributed by a private citizen in opposition to the local ballot proposition.

Disposition: Pending

**Stevens County Rural Library District (Officials) --Case #04-454; Investigator: Tony Perkins**

Date Originally Received: January 21, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: Three complaints were received from Stan Long, Arlene Sparks and Karen Frostad, alleging that officials from Stevens County Library District used the district facilities to support a local ballot proposition.

Disposition: Pending

**Cowlitz County Commissioners and Public Facilities District Officials --Case #04-455; Investigator: Suemary Trobaugh**

Date Originally Received: March 17, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Steve Dragich alleging that Cowlitz County Commissioners and Public Facilities District Officials used the facilities of their respective public agencies to support a local ballot proposition.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Disposition: Pending

**Orr, Leona (City of Kent)--Case #04-456; Investigator: Sally Parker**

Date Originally Received: October 30, 2003 (Investigation previously suspended-per injunction)

Date Started: April 28, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Sandra Amodt alleging that Kent City Councilmember Leona Orr, a candidate up for re-election to the Kent city council, used city facilities to promote her candidacy for public office.

Disposition: Pending

**Sound Transit (Officials)--Case #04-457; Investigator: Suemary Trobaugh**

Date Originally Received: August 29, 2002 (Investigation previously suspended-per injunction)

Date Started: April 28, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Tim Eyman, alleging that officials of Sound Transit used the transit facilities to oppose a statewide initiative, Initiative #776.

Disposition: Pending

**Knezovich, Ozzie (Spokane County)--Case #04-460; Investigator: Kurt Young**

Date Originally Received: September 6, 2002 (Investigation previously suspended-per injunction)

Date Started: April 28, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Annette Remshard, alleging that Ozzie Knezovich, President of the Spokane County Sheriff's Association, used Spokane County facilities to produce and distribute a political advertisement that endorsed six candidates for the Spokane Valley City council on the 2002 ballot, by including the address and phone number of a county facility in the sponsor identification.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Anderson, Frank--Case #04-459; Investigator: Tony Perkins**

Date Originally Received: September 23, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Margaret Michele Hoverter alleging that Everett City Mayor Frank Anderson, a candidate up for re-election in 2003, used city facilities and resources to support his candidacy for public office.

Disposition: Pending

**Maleng, Norm--Case #04-460; Investigator: Tony Perkins**

Date Originally Received: September 23, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Ben Livingston alleging that King County King County Prosecutor Norm Maleng used King County facilities to produce an opposition statement to Initiative 75, a City of Seattle ballot proposition on the 2003 ballot.

Disposition: Pending

**Reichart, Dave--Case #04-521; Investigator: Tony Perkins**

Date Originally Received: September 23, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Ben Livingston alleging that King County King Sheriff Dave Reichart used King County facilities to produce an opposition statement to Initiative 75, a City of Seattle ballot proposition on the 2003 ballot.

Disposition: Pending

**Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.**

**Thomas, Terry--Case #04-522; Investigator: Tony Perkins**

Date Originally Received: September 23, 2003 (Investigation previously suspended-per injunction)

Date Started: April 27, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Ben Livingston alleging that Seattle Ethics and Election Executive Director Terry Thomas used City of Seattle facilities to produce an opposition statement to Initiative 75, a City of Seattle ballot proposition on the 2003 ballot.

Disposition: Pending

**Koelker-Wheeler, Kathy Case #04-531; Investigator: Sally Parker**

Date Originally Received: August 28, 2003 (Investigation previously suspended-per injunction)

Date Started: May 14, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from former Renton Mayor Jesse Tanner, alleging that Kathy Koelker-Wheeler, an incumbent Renton City Council member and candidate for Renton Mayor in 2003, used Renton city facilities to promote her candidacy for public office.

Disposition: Pending

**Fields, Amy (Monroe School District)--Case #04-533; Investigator: Suemary Trobaugh**

Date Received: May 13, 2004

Date Started: May 17, 2004

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Jami Lund from the Evergreen Freedom Foundation, alleging that Ms. Fields and employees of the Monroe School District used the school district's internal mail system to support a statewide referendum, Referendum #55.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**City of Vancouver (City Officials) -- Case #02-286; Investigator: Suemary Trobaugh**

Date Received: January 30, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: February 13, 2002

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Kelly Hinton alleging that officials of the City of Vancouver used city facilities to support a February 5, 2002, local ballot proposition.

Disposition: Pending

**Spencer, Dane-- Case #02-291; Investigator: Suemary Trobaugh**

Date Received: March 18, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: April 1, 2002

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Tom Hujar alleging that officials of the Bainbridge Island Park District used park facilities to support a February 5, 2002 local ballot proposition.

Disposition: Pending

**Foote, Jr., H. M. -- Case #02-292; Investigator: Sally Parker**

Date Received: April 1, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: April 15, 2002

Section of Law: RCW 42.17.130 and .510

Status: Under Investigation

Summary: A complaint was received from Robert Awford alleging that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council during the 2001 City Council elections.

Disposition: Pending

**Foote, Jr., H. M. -- Case #02-296; Investigator: Sally Parker**

Date Received: April 15, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: April 19, 2002

Section of Law: RCW 42.17.040, .080, .090, .100, .130, .240 and .510

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Status: Under Investigation

Summary: A complaint was received from Dave Kaplan alleging a number of violations against several candidates and individuals. One allegation was that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council in the 2001 City Council elections. See Table of Contents for location of additional case summary information.

Disposition: Pending

**Anderson, Don--Case #03-007; Investigator: Kurt Young**

Date Received: July 10, 2002 (Investigation Suspended per injunction: Re-Activated on April 21, 2004)

Date Started: July 10, 2002

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was received from Karl Sloan alleging that Don Anderson, an employee of the Okanogan County Prosecutor's Office and a candidate for Okanogan County Prosecutor in 2002, violated RCW 42.17.130 by using the facilities of the Okanogan County Prosecutor's Office to support his candidacy.

Disposition: Pending

## **Cases Under Review**

**The American Dream Coalition--Case #03-079; Investigator: Kurt Young**

Date Received: November 1, 2002

Date Started: November 1, 2002

Section of Law: RCW 42.17.100 and .530

Status: Under Review

Summary: A complaint was filed by John D. Morgan, Chair of the Kitsap County Democratic Central Committee, alleging that “The American Dream Coalition” and Michael Svardh failed to report independent expenditures made in opposition to Tim Botkin, an incumbent Kitsap County Commissioner seeking re-election, and made false statements about Mr. Botkin in political advertising paid for and sponsored by “The American Dream Coalition.”

Disposition: Pending



**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Hammond, Steve--Case #04-239; Suemary Trobaugh**

Date Received: September 9, 2003

Date Started: September 19, 2003

Section of Law: RCW 42.17.080, .090 and .130

Status: Under Review

Summary: A complaint was received from David Osgood alleging that the Steve Hammond campaign failed to report the receipt of an in-kind contribution of professional services for the value of filing a challenge to Senator Pam Roach's voter registration. Mr. Hammond is an incumbent King County Council member.

Disposition: Pending

The complaint also alleged that Diane Fish, a King County Council employee on Mr. Hammond's staff, and Jeff Cox, also on Mr. Hammond's King County Council staff, worked on the challenge to Senator Roach's voter registration while on County time. This portion of the complaint was added to the complaint as an alleged violation of RCW 42.17.130.

**Jefferson County Republican Central Committee--Case #04-288; Investigator: Sally Parker**

Date Received: October 17, 2003

Date Started: October 21, 2003

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from William Biery alleging that the Jefferson County Republican Central Committee sponsored political advertising that contained a false statement of material fact about Mark Rose, a candidate for Jefferson County Commissioner.

Disposition: Pending

**Scott, Judy --Case #04-293; Investigator: Tony Perkins**

Date Received: October 27, 2003

Date Started: October 27, 2003

Section of Law: RCW 42.17.040, .080, .090 & WAC 390-16-105

Status: Under Review

Summary: A complaint was received from Steven Clayton alleging that Judy Scott, a candidate for Port of Allyn Commissioner, exceeded the limits of Mini reporting, and failed to disclose contribution and expenditure activities as required for a candidate

Disposition: Pending

**Note: If the Disposition shows "Pending," the case has not yet been resolved and no finding on the allegations has been made.**

**Moran, Karen --Case #04-294; Investigator: Sally Parker**

Date Received: October 28, 2003

Date Started: October 28, 2003

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Nancy Whitten, a candidate for City Council in the City of Sammamish, alleging that Karen Moran and Michael Rundle (also candidates for City Council in the City of Sammamish) made false statements of material fact in political advertisements sponsored by their respective campaigns. Ms. Whitten alleges that both falsely state that she (Nancy Whitten) authored a false mailing against Ms. Moran.

Disposition: Pending

**Rundle, Michael --Case #04-295; Investigator: Sally Parker**

Date Received: October 28, 2003

Date Started: October 28, 2003

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Nancy Whitten, a candidate for City Council in the City of Sammamish, alleging that Karen Moran and Michael Rundle (also candidates for City Council in the City of Sammamish) made false statements of material fact in political advertisements sponsored by their respective campaigns. Ms. Whitten alleges that both falsely state that she (Nancy Whitten) authored a false mailing against Ms. Moran.

Disposition: Pending

**Raplee, Debra--Case #04-399; Investigator: Lori Anderson**

Date Received: December 29, 2003

Date Started: January 5, 2004

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Todd Livingood alleging that Debra Raplee, a candidate for Kent City Council, sponsored political advertising that contained false statements made against Leona Orr, an incumbent Kent City Councilperson.

Disposition: Pending